

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

RENE R. FERNANDEZ,

Plaintiff,

vs.

ERNESTO CASTALDO, *et al.*,

Defendants.

2:13-cv-00903-RCJ-CWH

**ORDER**

This action is a *pro se* civil rights complaint filed pursuant to 42 U.S.C. § 1983 by an inmate. Plaintiff has submitted a complaint and seeks leave to proceed *in forma pauperis*. (ECF No. 1). This matter has not been properly commenced because plaintiff submitted incomplete financial paperwork. Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, plaintiff must attach both an inmate account statement for the past six months and a properly executed financial certificate. Plaintiff has failed to submit an inmate account statement for the past six months. Without the complete printout showing daily account activity over the full six-month period, the Court is unable to assess whether the current balance on the financial certificate is representative of petitioner's ability to pay. The Court is unable to see, *inter alia*, the regularity and amount of any incoming funds as well as the extent to which petitioner is making discretionary expenditures that instead could be applied to payment of the filing fee.

**IT THEREFORE IS ORDERED** that the application (ECF No. 1) to proceed *in forma pauperis* is **DENIED** and that this action is **DISMISSED WITHOUT PREJUDICE** to the filing of

1 a new complaint in a new action with a properly completed pauper application with all new and  
2 complete financial attachments in compliance with 28 U.S.C. § 1915(a).

3 **IT FURTHER IS ORDERED** that all pending motions are **DENIED**.

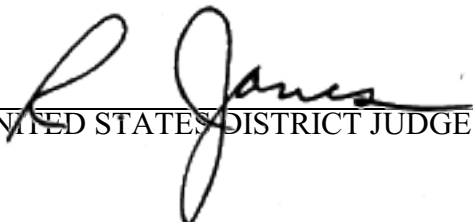
4 **IT FURTHER IS ORDERED** that the Clerk of the Court shall send plaintiff two copies of  
5 an *in forma pauperis* application form for a prisoner, one copy of the instructions for same, two  
6 copies of a blank 42 U.S.C. § 1983 prisoner civil rights form, and one copy of instructions for the  
7 same. The Clerk shall also send plaintiff a copy of the complaint submitted in this action, at ECF  
8 No. 1-1.

9 **IT IS FURTHER ORDERED** that plaintiff may file a new complaint and *in forma pauperis*  
10 application in a new action, but he may not file further documents in this action.

11 **IT IS FURTHER ORDERED** that the Clerk of the Court shall enter judgment accordingly.

12 **IT IS FURTHER ORDERED** that this Court **CERTIFIES** that any *in forma pauperis*  
13 appeal from this order would **not** be taken “in good faith” pursuant to 28 U.S.C. § 1915(a)(3).

14 Dated this 9th day of July, 2013.

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17 UNITED STATES DISTRICT JUDGE  
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